(*a*) whether the Velan, the Panan, the Valan (Takshan), the Asari, the Musari, the Kollan, the Tattan, the Kallasari and the Komaram are regarded as coming under depressed classes; and

(*b*) if so, whether they have also been granted fee concession?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) No.

(*b*) Velans, Panans and Valans are treated as backward in respect of English and Vernacular education and poor pupils from these communities are given half-fee concession in both English and Vernacular Schools; while Asaris, Kollans, Tattans and Kallasaries are treated as backward in respect of English education only and poor pupils from among them get half-fee concession in English schools. No fee concession is at present granted to Musaries and Komarams.

Complaints against certain Officers in connection with the last Council Elections.

413. **MR. R. RAMAN PILLAI** (*Kottayam*): Will the Government be pleased to state:

(*a*) whether they have received any complaint from one of the candidates who stood for election to the Legislative Council from the Kottayam Constituency in 1103, alleging that Mr. M. P. Joseph, Munsiff-Magistrate, Kanjirapalli, and Mr. V. Joseph, Inspector of Police, Ettumanur, helped another candidate who stood for election; and

(*b*) if the answer to part (*a*) is in the affirmative, the action taken in respect of the same and whether they will be prepared to take evidence in the matter.

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) Yes.

(*b*) The District Magistrate, Kottayam, reported that the petitioner, when called upon to produce evidence in support of his complaint against Mr. M. P. Joseph, Munsiff-Magistrate, gave a statement that he could not do so, so long as Mr. Joseph continued to be the Munsiff-Magistrate in Kanjirapalli. The District Magistrate made further enquiries in the matter and he got no information to show that there was any truth in the allegations. In these circumstances, that petition was recorded. As regards the petition against Mr. V. Joseph, Inspector of Police, the Government are awaiting the result of the enquiry by the Commissioner of Police.

Repair of the Puttan Todu and the Pazhaya Todu and the imposition of cess.

414. **MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): Will the Government be pleased to state:

(*a*) whether they have written to the Tahsildar, Mavelikara, to ascertain from the owners of lands which would be benefited by the repair of the Puttan *todu* and the Pazhaya *todu* in Kannamangalam if they are willing to pay a cess at 4½ per cent per annum on the amount spent for such repair and Rs. 180 annually for the maintenance of the above *todus*;

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(*b*) the provision of law under which such a demand is made;

(*c*) whether they have received copy of the resolutions passed at a meeting held on the 10th Tulam 1104 requesting them to abstain from imposing such conditions;

(*d*) whether they are unwilling to spend the budgeted amount unless the people agree to pay the cess demanded; and

(*e*) whether they have considered my criticism on this policy during the last Budget Session (*vide* Travancore Legislative Council Proceedings, Vol. XIII, pages 76 and 77)?

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): (*a*) Yes.

(*b*) Under Section 18 of the Irrigation Regulation, III of 1072.

(*c*) A copy of the resolution of a meeting held on 8-3-1104 (not 10-3-1104) has been received. The resolution requested that Government should abstain from the levy of a cess or, alternatively, levy it only after ascertaining, for a period of six years at least, the benefits derived from such a project.

(*d*) The Government have decided to sanction the estimate for the work and levy an irrigation cess. Under the Irrigation Regulation the consent of the people benefited by an irrigation work is not necessary for the levy of a cess.

(*e*) Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): With reference to part (*a*) will the Government be pleased to state the estimated expenditure for those canals?

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): I am unable to give the information just now.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is it the hugeness of the amount required or the unusual nature of the work that has prompted the Government to resort to Section 18 to levy an irrigation cess?

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): The work is a major work and a cess is leviable under Section 18 of the Regulation.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapllai*): Are the Government aware that when this Section was introduced in the Legislative Council on 23-5-1926 the Government member stated that:

> The power of the Government in this respect is not questioned, but it is quite possible that silence on the point in a Special Regulation like this may create legal difficulties which it is well to anticipate. The provision, I may add, need create no alarm, as I am sure that the power will be, as it always has been, used most sparingly and in a manner which would not cause hardship to the ryots."

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): That is why I said that a cess is leviable. In every case an enquiry precedes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know what are the circumstances which have led the Government to adopt this provision for this particular *todu*?

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): It is a completely new benefit that is conferred on the ryots and so a cess is justifiable.

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MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Has not the Government member stated that it will be only very sparingly that Section 18 will be made use of?

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): It is not in all cases that Section 18 is used.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): If Section 18 is not made use of in any case, then there is no necessity for such a provision.

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): An enquiry in this case has justified the levy of a cess.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Are the Government aware that Section 18 entitles the Government only to levy an irrigation cess as interest on the amount spent?

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Have they not asked for a payment of Rs. 180 annually for the maintenance of the *todu*?

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): I am not sure of that.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The answer to part (*a*) is that Rs. 180 is necessary annually for the maintenance of the *todus*. My question is, are the Government aware that Section 18 does not entitle them to ask for such an amount?

PRESIDENT: I think you have rather missed your point. The fact that a Statute empowers the Government to levy a cess does not preclude them from applying the money realised under that power in whatever manner they may propose.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): In regard to that part I wish to know whether the Government are aware that on 14-11-1896 the Revenue member stated that.

"Where a cess is levied in connection with an irrigation work, it is only just that the entire management of the work should be with the Government and the ryots should be free from all further liabilities."?

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): The whole matter has received the consideration of the Government before the application of Section 18 for the levy of a cess.

Kadutturutti-Neezhur road.

415. MR. MATTHEW MURIKKAN (*Vaikam*): Will the Government be pleased to state whether they have made enquiries on the various petitions regarding the Kadutturutti-Neezhur road?

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): Yes; the road is under investigation.

Confirmation of Assistant and Sub-Assistant Surgeons.

416. MR. V. J. OOMMEN (*Commerce and Industry, North*): (*a*) Will the Government be pleased to lay on the table a list of volunteer Assistant and Sub-Assistant Surgeons who have not been confirmed with the dates of their volunteering period and their acting appointments?

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